



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

A meeting of the Orthotic and Prosthetic Advisory Committee was held at 1:30 p.m., on June 22, 2007, in Conference Room 2 of the Department of Health Offices at 20435-72nd South, Kent WA.

Committee Members

Present: Kathleen Scarpelli, Public Member
Martin McDowell, Orthotist/Prosthetist
Garth Shippen, Orthotist
Jean Boelter, Public Member

Staff Present: Doreen Beebe, Program Manager
(360) 236-4834
Doreen.beebe@doh.wa.gov

The meeting opened with introductions of the committee members, staff and attendees.

REPORTS

Committee Members

The topic of discussions focused on the Podiatric Medical Board's intent to consider rules regarding the definition of prescription orthotics. The Committee was unclear on the Board's intent and had acknowledged the importance of having all interested parties at the table to insure that the rules will not exclude skilled licensed practitioners in fitting orthotics. Garth Shippen and Martin McDowell acknowledged that a bad foot orthotic can cause further complications even amputation. In the interest of public safety, education of the consumer on the differences between prescription and off-the-shelf orthotics would greatly benefit the patient.

Additionally, the Committee discussed the potential disservice to patients who are being fitted for knee orthotics by unlicensed practitioners, even sales representatives. **Action:** Need information on past Committee's proposal to develop interpretive statement on this issue.

Jean Boelter shared with the Committee work she has been involved in regarding Prosthetic Parity- an act to define appropriate insurance coverage for prosthetic care. Similar laws have passed in 6 states. The Amputee Coalition of America (ACA) and Action Plan for People with Limb Loss (APPL) continue working to get the bill presented to the 2008 Legislature. Ms. Boelter stated that the organizers are hoping to collect 2000 signatures of support by the end of June. For more information, please contact Jean Boelter jboelter1@juno.com

Kathleen Scarpelli plans to apply for reappointment to the Committee. Ms. Scarpelli's appointment expires October 2007. **Update:** Ms. Scarpelli has contacted the department to

decline reappointment. Program will be sending out a public notice and contacting previous public member applicants.

Program Manager

Doreen Beebe reported program statistics:

- 3 disciplinary cases in the last 12 months
- 121 Orthotist licensees; 103 Prosthetist licensees (many licensees hold dual licensure)
- Licenses issued in 2005-2007: 15 Orthotist; 13 Prosthetist; 21 applications pending.

Question from the audience: Is there a shortage? Ms. Beebe did not have any statistics; it was offered that a shortage of practitioners is often based 1 practitioner per 100,000 populations. A report on workforce demands is available by contacting NCOPE. Increase in diabetes and obesity will certainly contribute to an increase in demand for O&P.

Mr. McDowell added that not all states required licensure; however, national certification is required for reimbursements. He also shared that there are a number of new schools for O&P that may help address future shortages.

Ms. Beebe reminded Committee members that the Citizen Advocacy Center annual meeting has not been in Washington for a couple years and this October's meeting would be a great opportunity for the Committee. The theme of this year's meeting is "Creative Regulation: Keeping Boards Relevant". Although the focus of CAC is designed to help public members all are encouraged to attend.

2007 Legislative Session - Summary

Doreen Beebe provided a brief summary of the 2007 Legislative Session, which introduced 3,240 bills for consideration. The Department of Health tracked 297 bills of which 86 were identified with possible impact to the Health Systems Quality Assurance Division.

Health Professions Quality Assurance Office – passed legislation

Five new professions:

- Dental Assistant
- Expanded Function Dental Auxiliary Staff
- Athletic Trainer
- Animal Massage Practitioner (New Advisory Committee)
- Physical Therapist Assistant (Adds 1 PTA to the Physical Therapy Board)

Rule:

- Changes Veterinary Technician credential from registered to licensed.
- Creates endorsement for Massage Therapist to perform intraoral massage.
- Medical Quality Assurance Commission, in collaborative rule making, to adopt rules governing sedation and anesthesia in office settings.
- Rules to allow Dental Hygienist to provide services in senior centers and to provide sealant services in schools.
- The Department of Health is to adopt rules defining a 60-day supply of medical marijuana – gather data on source and distribution and provide a report to the Legislature.
- Prescription Monitoring Program
- License fee for some practitioners to include up to \$25 allowing the University of Washington to develop web-based system to access academic journals.

Proviso:

- Midwifery Licensure - evaluate economic benefits to health care system.
- Workgroup to develop recommendations on the need to regulate Registered Counselors and report to the Legislature by November 15, 2007. Draft credentialing guidelines and report to Legislature by January 1, 2008.

Review Budget Report

Committee reviewed the May 2007 budget report. Program expenditures are within its budget. A new budget will be developed for the 2007 - 2009 biennium at the end of July. The program does not anticipate requesting any increases other than funds for members to attend the Citizens Advocacy Center 2007 annual meeting in Seattle.

Disciplinary Guidelines – Doreen Beebe provided a brief overview of the development and use of the Secretary of Health's Disciplinary Sanction Guidelines adopted on May 31, 2006 for use by all secretary authority professions.

Highlights

- The guidelines focus on protecting the public and the conduct rather than the section of the law charged.
- Guidelines.
 - Identify the Categories of Conduct
 - Sexual contact
 - Abuse
 - Drug diversion
 - Felony convictions
 - Practice below standard
 - Misuse of drugs and alcohol
 - Noncompliance
 - Identify the Severity of Conduct and Risk to the Public
 - Identify Other Factors: Aggravating or mitigating circumstances and prior disciplinary history
 - Recommend sanction and additional conditions according to guideline grids.

“What is a custom fabricated orthotic device?” –Presentation and discussion with representative of the Podiatric Medical Board regarding the Board's proposal for rule-making.

David Bernstein, PDM, Chair of the Washington State Podiatric Medical Board, joined the meeting by telephone. Dr. Bernstein stated that the Board was looking for a mechanism to alleviate confusion regarding off-the-shelf and prescription devices. He reviewed the current statutory definitions for “prescription”, “orthosis” and “device”.

Dr. Bernstein stated that the word “orthotics” has a generic meaning to the public similar to Kleenex® referring to any facial tissue. It is unclear to the general public the differences between over-the-counter, off-the-shelf, prefabricated, direct form, custom fabricated, etc. Complaints about poor quality orthotics offered at fairs brought this issue to the attention of the Board.

The Board is proposing a definition for a “prescription orthotic device”, which is recommended by a practitioner authorized by licensure to evaluate, diagnose and write a prescription. Dr. Bernstein expressed that rules would be more effective than a public awareness campaign.

The Committee supports the concept and suggests that the rules include language that makes it clear that a provider must be working under a prescription in order to provide custom/fabricated orthotics.

All agreed that the ultimate objective is to protect the patient from investing in devices that don't work or could cause potential harm.

OPEN FORUM

Loretta Sheldon requested information on how to get the department/state to consider licensure for O&P fitters and assistants. Ms. Sheldon was advised of the Sunrise Review process. Detail may be found on the Department of Health webpage
http://www.doh.wa.gov/hsqa/sunrise/process_2005.htm

ADJOURNMENT

Meeting adjourned at 4:45 p.m. The next meeting of the Orthotics & Prosthetics Advisory Committee will be announce via listserv <http://listserv.wa.gov/cgi-bin/wa?A0=WA-ORTHOTIC-PROSTHETIC> and posted to the program's webpage
https://fortress.wa.gov/doh/hpqa1/hps4/Orthotic_Prosthetics/default.htm .